Remarks

I. Status of Application

Claims 1-55 are pending in the application. Claims 1-55 were rejected.

II. Claim Rejections - 35 USC § 103

A. Rejections over Kormos in view of Small

Claims 1-7, 10, 35-38, 40, 42, 43, 45-47, 49, 52, and 55 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,198,285 ("Kormos") in view of U.S. Patent No. 5,944,574 ("Small").

Kormos discloses a room for conducting a medical procedure having an MRI scanner and an LCD display device for displaying MRI images, MRI video signals, and images from a surgical microscope, endoscopic camera, stereotactic computer display, TV tuner, or video recorder, as well as MRI control signals. (Col. 6, line 60 - col. 7, line 15; col 7, line 65 - col. 8, line 6).

Small describes a children's toy in which a plurality of images are provided on a picture scroll. Ends of the scroll are wound around respective rollers. The displayed image is changed by turning the rollers to cause the scroll to wind around one roller and unwind from the other. The rollers are turned by a motor.

1a. Independent Claims 1, 35, and 37

Independent claim 1 defines a room for use in conducting a medical procedure. A screen is disposed in the room. A plurality of scenes are on the screen and means are provided "for changing a scene for display by moving the screen." Claim 35 defines a method of preparing a room for a medical procedure "comprising advancing a screen comprising a plurality of images to a selected image." Independent claim 37 recites a method for using an MRI room, comprising

"moving a screen comprising a plurality of scenes ... to display a selected one of the scenes in the room", positioning a patient, and performing an MRI procedure.

The Examiner admits that Kormos does not "explicitly disclose that changing the image is achieved by moving the screen." This is not implicit in Kormos either. MRI images of a patient being examined or undergoing a procedure are changed in Kormos by providing different image data to the display in the form of electrical signals from a particular source. MRI images are not changed, and cannot be changed, mechanically by moving a screen, as in Small. Kormos has nothing to do with the claimed invention.

To provide the limitations missing from Kormos, the Examiner cites Small, asserting that in "a related field of endeavor, Small et al. teaches a display screen that is moved into and out of a cartridge by scrolling the screen along a track . . . ." Small describes a children's toy with changing images. This toy is not in "a related field of endeavor" to the MRI system of Kormos or to the claimed MRI systems and methods.

The Examiner asserts that Small "specifically discloses that its scrollable screen is an improvement upon common means of displaying scenes, such as flat panel displays." (Office Action, paragraph 9). No such statement has been found in Small. The Examiner is respectfully requested to identify where in Small that statement is located. Whether Small makes such a statement or not, however, it is clear that Small is referring to toys, not sophisticated equipment such as MRI systems or computer displays. The Field of the Invention defined by Small is electronic toys and, more particularly, cost effective interactive toys. (Small, col. 1, lines 3-8). The Background of the Invention discusses problems with interactive audio visual toys, such as being too expensive for parents of modest means to purchase for their children, being heavy and

cumbersome, being too complex for young children, and likelihood of breaking. (Col. 1, lines 30-50). None of these problems are applicable to MRI systems or to Kormos.

Furthermore, the images displayed in the Small toy are predetermined. The predetermined images are stored in cassettes. In Kormos, in contrast, live information, such as MRI images of a patient and/or procedures, and current imaging control parameters, in real time are displayed. Real time, original images cannot be stored on a cassette for viewing. Small's system is not, therefore, applicable to the display in the Kormos MRI system, where the images are not predetermined. (Similarly, the system of the Small toy would not be applicable to a display in a word processing system, for example.).

Since it would not be possible to use the Small system to display live images and current information, Kormos could not be modified to incorporate features of Small, as the Examiner proposed, and still function to display MRI images and other live information in real time. It would not, therefore, have been obvious to combine Kormos and Small, as the Examiner has. MPEP 2143.01(V). ("If proposed modification would render the prior invention being modified unsatisfactory for intended purpose, then there is no suggestion or motivation to make the proposed modification". Citing In re Gordon, 733 F.3d 900, 221 U.S.P.Q. 1125 (Fed Cir. 1984)).

Claims 1, 35, and 37, and the claims dependent upon it would not, therefore, have been obvious in light of Kormos and Small.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested.

1b. The Other Dependent Claims

Claims 8 and 48 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos in view of Small and U.S. Patent No. 5,917,395 ("Overweg").

Claim 9 has been rejected under 35 U.S.C. 103(a) as allegedly being obvious over Kormos, Small, and U.S. Patent No. 6,335,623 ("Damadian").

These claims are allowable for being dependent or allowable independent claims.

2. Kormos, Small, and August

Claims 11, 12, 14-18, 20, 22, 25-34, 44, 50, 51, and 54 have been rejected for allegedly being unpatentable over Kormos in view of Small and U.S. Patent No. 5,681,254 ("August").

2a. Independent Claim 12

Independent claim 12 defines a room for conducting medical procedures, comprising a means for moving a screen across a room to display a selected one of a plurality of images on a screen. It is the movement of the screen that enables the display of a selected image.

As discussed above, it would not have been obvious or possible to modify Kormos in light of Small, as the Examiner proposed. It would not, therefore, have been obvious to modify Kormos in light of Small and August, as the Examiner proposed, either.

2b. Independent Claims 22 and 27

Independent claim 22 defines a magnetic resonance imaging assembly comprising, in part, a screen, at least one image on the screen, a track extending across the room, a belt movably disposed within the track, "a motor coupled to the belt for moving the belt within the track," and a cartridge for storing the screen. In the example of Fig. 7, the movement of the belt (64) is driven by the motor. The screen is attached to the belt, and the belt is driven by the motor to move along the track (70), thereby causing the screen to move as well. (See, for example, Specification pp. 22-23).

Independent claim 27 recites a bed for supporting a patient, a flexible screen having at least one image, a track extending across the room, a belt within the track, and a "moving

means" for moving the screen to display an image. The "moving means" recited in the specification includes (among other elements) a motor and a pulley, as described above.

As discussed above, it would not have been obvious to modify Kormos in light of Small, as the Examiner proposed. It would not, therefore, have been obvious to modify Kormos in light of Small and August, as the Examiner proposed. Furthermore, the motor in Small is coupled to the rollers, not to a belt, as claimed.

In addition, it would not have been obvious or even possible to incorporate the screen in August, which is suspended from a track by rings, in Small, because the rings could not be wound around the rollers in Small's cassette. Furthermore, it is not apparent how a screen coupled to a track by rings could be wound around a cartridge as in claim 22.

Claims 22 and 27, and the claims dependent upon them, would not, therefor, have been obvious in light of Kormos, Small and August withdrawal of the rejection of the claims are respectfully requested. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

2c. The Other Dependent Claims

Claims 13 and 21 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos, Small, August, and U.S. Patent No. 4,173,087 ("Saylor"). Claim 19 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos, Small, August, and U.S. Patent No. 4,651,099 ("Vinegar"). Claims 23 and 24 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos, Small, August, and U.S. Patent No. 5,953,840 ("Simson"). Claims 39 and 41 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos, Small, and U.S. Patent No. 5,842,987 ("Sahadevan"). Claim 53 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kormos, Small, August, Simson, and Overweg.

These claims are allowable for being dependent or allowable claims, as discussed above.

Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

III. Double Patenting

Claim 9 has been rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claim 18 of Damadian in view of Kormos and Small.

Claim 9 depends from claim 1. As discussed above, claim 1 is patentable over the cited art because it would not have been obvious to modify Kormos in light of Small, as the Examiner proposed. Therefore, claim 9 is also patentable over the cited art.

Claim 9 would not, therefore, have been obvious in light of Damadian in view of Kormos and August.

Withdrawal of the rejection and the consideration of the claims are respectfully requested.

IV. Conclusion

In view of the foregoing, each of claims 1-55, is believed to be in condition for allowance. Accordingly, consideration or reconsideration of these claims, as appropriate, is requested and allowance of the application is earnestly solicited.

Respectfully submitted,
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